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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Timothy P. McKee

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EXAMINER

NGUYEN, VAN H

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/692,324	Applicant(s) MCKEE ET AL.	
	Examiner VAN H. NGUYEN	Art Unit 2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 April 2006 and 12 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19, 27 and 29-42 is/are pending in the application.
- 4a) Of the above claim(s) 6-13 and 33-35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 14-19, 27-32 and 36-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
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| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :1/17/06, 2/28/06, 3/31/06, 4/25/06, 5/25/06, 6/22/06, 7/25/06, 8/24/06, 9/25/06, 10/24/06, 11/22/06, 12/21/06, 2/20/07, 3/23/07, 4/25/07, 5/29/07, 6/27/07, 7/26/07.

DETAILED ACTION

1. This communication is responsive to the amendment filed 04/26/2006 and the election filed 08/12/2006.

Applicant's election without traverse of group I (claims 1-5, 14-19, 27-32, and 36-42) in the reply filed on 08/12/2006 is acknowledged.

Claims 1-19, 27, and 29-42 are pending in this application. Claims 6-13 and 33-35 are withdrawn from consideration.

Applicant is required to cancel non-elected claims 6-13 and 33-35 in the next response to this office action.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 14-19, 27-32, and 36-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Horvitz et al.** (U.S Patent 6,980,993) in view of **Hansen et al.** (U.S 20030084150 A1).

As to claim 1:

Horvitz teaches:

receiving a notification from a first notification sender (502,504, 506, Fig. 5, 7;

col. 42, lines 19-21); and

in response to receiving the notification, controlling the delivery of the notification in accordance with one or more user contexts that have been set by one or more context setters (520, 526, Fig. 7; col. 2, lines 19-24, 48-67; col. 3, lines 1-17).

However, Horvitz does not explicitly teach the following additional limitations:

Hansen teaches receiving a test notification call from an application; and responding to the test notification call with information identifying whether a notification from the application would be displayed based on the one or more contexts, if the application were to request a notification (paragraphs [0042-0044] and Figs. 8A-8B).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Horvitz with Hansen because it would have provided a user interface that allows users to inspect and control multiple subscriptions in one conceptual place.

As to claim 2:

Horvitz teaches a user context comprises a condition that may be in first or second states, and an instruction that is to be followed if the condition is in the first state (col. 56, lines 31-35, 64-66).

As to claim 3:

Horvitz teaches that the condition of at least one of the user contexts relates to whether or not the user is at least partially visually occupied, and the associated instruction restricts the delivery of notifications in terms of their visual display (col. 36, lines 48-59; col. 37, lines 19-23, 36-38, 51-53; col. 55, lines 38-45).

As to claim 4:

Horvitz teaches that the condition of at least one of the user contexts relates to whether or not the user is at least partially occupied by sound, and the associated instruction restricts the delivery of notifications in terms of their volume (col. 57, lines 11-52).

As to claim 5:

Horvitz teaches that a plurality of user contexts that are associated with a specified user are set by a plurality of context setters (col. 48, lines 49, 56-57).

As to claim 14:

The rejection of claim 1 above is incorporated herein in full.

However, Horvitz does not explicitly teach the following additional limitations:

Hansen teaches the delivery includes playing an audio portion of the notification with a volume adjusted based on the one or more user contexts (paragraphs [0024] and [0041-0044]).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Horvitz with Hansen because it would have provided a user interface that allows users to inspect and control multiple subscriptions in one conceptual place.

As to claim 15:

Horvitz teaches a user context comprises a condition that may be in first or second states, and an instruction that is to be followed if the condition is in the first state (col. 56, lines 31-35, 64-66).

As to claim 16:

Horvitz teaches that the instruction of the user context may indicate that selected notifications should be at least one of routed, denied, deferred, or delivered (col. 56, lines 31-35).

As to claims 17 and 18:

Refer to claims 3 and 5, respectively, for rejections.

As to claim 19:

Horvitz teaches the computer-executable instructions further define rules that dictate how notifications that contain at least a first specified element should be delivered (see Fig.7 and the associated text).

As to claim 27:

The rejection of claim 1 above is incorporated herein in full.

However, Horvitz does not explicitly teach the following additional limitations:

Hansen teaches at least one instruction indicates whether a requested notification will be permitted to overlay information displayed on the user's visual display (Figs. 8A-8B).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Horvitz with Hansen because it would have provided a user interface that allows users to inspect and control multiple subscriptions in one conceptual place.

As to claims 29, 30, and 32:

Refer to claims 3-5, respectively, for rejections.

As to claim 31:

Horvitz teaches the condition of at least one user context relates to whether or not the user is unavailable for receiving notifications of any kind, and the associated instruction is for restricting the delivery of notifications altogether (col.56, lines 31-55).

As to claim 36:

Horvitz teaches establishing a plurality of user-defined conditional rules for handling incoming notifications, the rules identifying a state of computer system resources and one or more permissible notification actions based on the state of computer system resources (col. 44,

lines 45-50; col. 45, lines 1-10; col. 48, lines 49, 56-57).

providing a plurality of application program interfaces for requesting notifications to a computer user, wherein a first of the interfaces is offered as part of a system shell and results in a notification to the user in response to being called (506, Fig. 7; col. 3, lines 1-17); and

in response to a call made using the first interface, applying one or more of the rules to provide a notification to the user (col. 58, lines 17-24).

However, Horvitz does not explicitly teach the following additional limitations:

Hansen teaches a call using a second one of the interfaces is a test notification interface that does not result in a notification to the user in response to the call, but results in a response identifying a whether a notification would be displayed if requested by an application calling the second interface (paragraphs [0042-0044] and Figs. 8A-8B).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Horvitz with Hansen because it would have provided a user interface that allows users to inspect and control multiple subscriptions in one conceptual place.

As to claim 37:

Horvitz teaches the state of computer system resources identified by one or more of the

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rules reflects an amount of a computer system display's screen that is available (col. 55, lines 25-53).

As to claim 38:

Horvitz teaches instructions to withhold a video portion of an incoming notification when the computer display is operating in full-screen mode (col. 55, lines 25-53).

As to claim 39:

Horvitz teaches the state of computer system resources identified by one or more of the rules reflects whether audio resources of the computer system are in use (col. 37, lines 17-33; col.38, lines 16-33; and col.44, lines 45-49).

As to claim 40:

Horvitz teaches instructions to withhold an audio portion of an incoming notification when the audio resources are in use (col. 37, lines 17-33; col.38, lines 16-33; and col.44, lines 45-49).

As to claim 41:

Horvitz teaches instructions to permit a video portion of the incoming notification when the audio resources are in use (col. 37, lines 17-33; col.38, lines 16-33; and col.44, lines 45-49).

As to claim 42:

Hansen teaches instructions to adjust a volume of an audio portion of the incoming notification when the audio resources are in use (paragraphs [0024] and [0041-0044]).

Response to Arguments

3. Applicant's arguments with respect to claims 1-19, 27, and 29-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record, listed on PTO 892 provided to Applicant is considered to have relevancy to the claimed invention. Applicant should review each identified reference carefully before responding to this office action to properly advance the case in light of the prior art.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

5. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM-6:00PM. The examiner can also be reached on alternative Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached at (571) 272-6799.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VAN H NGUYEN/

Primary Examiner, Art Unit 2194